

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ILDA ARAUJO, LUC HOLIE and JUBILEE FIRST  
AVENUE CORPORATION

Plaintiff,

-against-

ERIC MACAIRE,

Defendant, Pro Se,  
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**ANSWER TO COMPLAINT**

**TRIAL BY JURY DEMANDED**

**16 CV 9934 (PAE)(KNF)**

Defendant, ERIC MACAIRE, answering the Complaint of Plaintiffs herein, respectfully shows to the Court and alleges as follows:

**ANSWERING THE ALLEGATIONS  
DENOMINATED NATURE OF ACTION**

FIRST: Answering the paragraphs of the Complaint marked “1”, “2”, “3”, and “4”, defendant, Eric Macaire, denies each and every allegation set forth therein and refers all questions of law to the Court.

**ANSWERING THE ALLEGATIONS  
DENOMINATED JURISDICTION AND VENUE**

SECOND: Answering the paragraph of the Complaint marked “5” and “6”, defendant, Eric Macaire, denies each and every allegation set forth therein and refers all questions of law to the Court.

**ANSWERING THE ALLEGATIONS  
DENOMINATED THE PARTIES**

THIRD: Answering the paragraphs of the Complaint marked “7”, and “8”, and “9” defendant, Eric Macaire, denies each and every allegation set forth therein.

**ANSWERING THE ALLEGATIONS  
DENOMINATED THE DEFENDANT**

FIFTH: Answering the paragraphs of the Complaint marked “14” and “16” defendant, Eric Macaire, denies knowledge or information sufficient to form a belief as to the truth of each and every allegation set forth therein.

**ANSWERING THE ALLEGATIONS  
DENOMINATED FACTS**  
(Jubilee on 54<sup>th</sup> Street)

SEVENTH: Answering the paragraphs of the Complaint marked “17” and “18”, defendant, Eric Macaire, denies knowledge or information sufficient to form a belief as to the truth of each and every allegation set forth therein.

EIGHTH: Answering the paragraph of the Complaint marked “19”, defendant, Eric Macaire, denies each and every allegation set forth therein.

**ANSWERING THE ALLEGATIONS  
DENOMINATED FACTS**  
(Jubilee on 1<sup>st</sup> Avenue)

NINTH: Answering the paragraph of the Complaint marked “21” defendant, Eric Macaire, denies each and every allegation set forth therein.

TENTH: Answering the paragraphs of the Complaint marked “24”, “25”, “26”, “27” and “28”, defendant, Eric Macaire, denies each and every allegation set forth therein.

**ANSWERING THE ALLEGATIONS  
DENOMINATED FACTS**  
(The Settlement of the Labor Dispute)

ELEVENTH: Answering the paragraph of the Complaint marked “28”, defendant, Eric Macaire, denies each and every allegation set forth therein.

TWELFTH: Answering the paragraph of the Complaint marked “29” defendant, Eric Macaire, denies knowledge or information sufficient to form a belief as to the truth of each and every allegation set forth therein.

THIRTEENTH: Answering the paragraph of the Complaint marked “31”, defendant, Eric Macaire, denies each and every allegation set forth therein, and refers all questions of law to the Court, and all contract interpretation to the trial court.

FOURTEENTH: Answering the paragraph of the Complaint marked “32”, defendant, Eric Macaire, denies each and every allegation set forth therein.

**ANSWERING THE ALLEGATIONS  
DENOMINATED FACTS**

(The termination of Macaire as an employee and his removal as an officer of Jubilee)

FIFTEENTH: Answering the paragraph of the Complaint marked “33” defendant, Eric Macaire, denies knowledge or information sufficient to form a belief as to the truth of each and every allegation set forth therein.

SIXTEENTH: Answering the paragraph of the Complaint marked “34”, defendant, Eric Macaire, denies each and every allegation set forth therein.

SEVENTEENTH: Answering the paragraph of the Complaint marked “35” defendant, Eric Macaire, denies knowledge or information sufficient to form a belief as to the truth of each and every allegation set forth therein.

EIGHTEENTH: Answering the paragraph of the Complaint marked “36”, “37”, “38”, and “39” defendant, Eric Macaire, denies each and every allegation set forth therein, and refers all questions of law to the Court.

**ANSWERING THE CAUSE OF ACTION  
DENOMINATED AS COUNT I**  
(Declaratory Judgment)

NINETEENTH: Answering the paragraph of the Complaint marked “40”, defendant, Eric Macaire, repeats, reiterates and realleges each of his Answers to paragraphs “1” through “39” of the Complaint with the same force and effect as though more fully set forth at length herein.

TWENTIETH: Answering the paragraph of the Complaint marked “43” defendant, Eric Macaire, denies each and every allegation set forth therein, and refers all questions of law to the Court and all interpretations of contract to the trial court.

TWENTY-FIRST Answering the paragraphs of the Complaint marked “44”, “45”, “46”, “47”, “48”, and “49”, defendant, Eric Macaire, denies each and every allegation set forth therein and refers all questions of law to the Court.

**ANSWERING THE CAUSE OF ACTION  
DENOMINATED AS AND FOR COUNT II**  
(Breach of Fiduciary Duty)

TWENTY-SECOND: Answering the paragraph of the Complaint marked “50”, defendant, Eric Macaire, repeats, reiterate and realleges each of his Answers to paragraphs “1” through “49” of the Complaint with the same force and effect as though more fully set forth at length herein.

TWENTY-THIRD: Answering the paragraphs of the Complaint marked “51” and “54”, defendant, Eric Macaire, denies each and every allegation set forth therein and refers all questions of law to the Court.

TWENTY-FOURTH: Answering the paragraphs of the Complaint marked “52” and “53” defendant, Eric Macaire, denies each and every allegation set forth therein.

**ANSWERING THE CAUSE OF ACTION  
DENOMINATED AS AND FOR COUNT III**  
(Conversion)

TWENTY-FIFTH: Answering the paragraph of the Complaint marked “55”, defendant, Eric Macaire, repeats, reiterates and realleges each of his Answers to paragraphs “1” through “54” of the Complaint with the same force and effect as though more fully set forth at length herein.

TWENTY-SIXTH: Answering the paragraphs of the Complaint marked “57”, “58”, “61”, “62”, and “63” defendant, Eric Macaire, denies each and every allegation set forth therein and refers all questions of law to the Court.

TWENTY-SIXTH: Answering the paragraph of the Complaint marked “59” and “60” defendant, Eric Macaire, denies knowledge or information sufficient to form a belief as to the truth of each and every allegation set forth therein.

**ANSWERING THE CAUSE OF ACTION  
DENOMINATED AS AND FOR COUNT IV**  
(Permanent Injunction)

TWENTY-SIXTH: Answering the paragraph of the Complaint marked “64”, defendant, Eric Macaire, repeats, reiterates and realleges each of his Answers to paragraphs “1” through “63” of the Complaint with the same force and effect as though more fully set forth at length therein.

TWENTY-SIXTH: Answering the paragraphs of the Complaint marked “65”, “66”, “67”, and “68” defendant, Eric Macaire, denies each and every allegation set forth therein and refers all questions of law the Court.

**FIRST AFFIRMATIVE DEFENSE**

TWENTY-SEVENTH: Defendants, Holie and Araujo lack standing.

**SECOND AFFIRMATIVE DEFENSE**

TWENTY-EIGHTH: Plaintiffs' claims, including their cause of action for breach of fiduciary duty, are barred by the applicable statute of limitations including the one-year statute of limitations for intentional torts in CPLR §215.

**THIRD AFFIRMATIVE DEFENSE**

TWENTY-NINTH: The plaintiffs' claims, including his causes of action for intentional torts, are barred by the applicable statute of limitations including the three-year statute of limitations for failure to collect money owed in CPLR §214.

**FOURTH AFFIRMATIVE DEFENSE**

THIRTIETH: Defendant Macaire exercised valid business judgment for all transactions conducted as an officer of Jubilee First Avenue Corporation

**FIFTH AFFIRMATIVE DEFENSE**

THIRTY-FIRST: Defendant Macaire exercised valid business judgment for all transactions conducted as an officer of Jubilee First Avenue Corporation.

**SIXTH AFFIRMATIVE DEFENSE**

THIRTY-FIRST: Plaintiffs' fail to state a cause of action on which relief can be granted.

**SEVENTH AFFIRMATIVE DEFENSE**

THIRTY-SECOND: There is no case or controversy involving Plaintiffs' Cause of Action denominated as Count I, as there has been no breach and the claim is not ripe.

**NINTH AFFIRMATIVE DEFENSE**

THIRTY-THIRD: Plaintiffs' Cause of Action denominated as Count III for conversion is moot.

**TENTH AFFIRMATIVE DEFENSE**

THIRTY-FOURTH: Plaintiffs' do not meet the financial threshold for amount to bring suit in Federal Court.

**ELEVENTH AFFIRMATIVE DEFENSE**

THIRTY-FIVE: Plaintiffs' causes of action in the Complaint are barred from recovery, if any, by the doctrine of unclean hands.

WHEREFORE, defendant, Eric Macaire, demands judgment dismissing the Complaint herein, together with the costs and disbursements of this action.

Dated: Salisbury, Connecticut  
April 7, 2017

BY:

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